

1 RENE L. VALLADARES
2 Federal Public Defender
3 State Bar No. 11479
4 KATHRYN C. NEWMAN
5 Assistant Federal Public Defender
6 Nevada State Bar No. 13733
7 411 E. Bonneville, Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577/Phone
10 (702) 388-6261/Fax
11 Kathryn_Newman@fd.org

12 Attorney for Justin Lee Tripp

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 UNITED STATES OF AMERICA,

16 Case No. 2:19-mj-00394-NJK

17 Plaintiff,

18 v.
19 **STIPULATION TO CONTINUE THE
20 PRELIMINARY HEARING AND
21 EXTEND DEADLINE TO FILE AN
22 INFORMATION OR INDICTMENT
23 (Fifth Request)**

24 JUSTIN LEE TRIPP,

25 Defendant.

26 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Kathryn C. Newman, Assistant Federal Public Defender, counsel for Justin Lee Tripp, that:
1 (1) the Preliminary Examination currently scheduled on July 30, 2020, be vacated and continued to a date and time convenient to the Court, but no sooner than sixty (60) days; and
2 (2) the Information/Indictment deadline currently due on July 30, 2020, be extended for sixty (60) days.

3 This Stipulation is entered into for the following reasons:

1 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold a
2 preliminary hearing within a reasonable time, but no later than 14 days after the initial
3 appearance if the defendant is in custody.”

4 2. However, under Rule 5.1(d), “with the defendant’s consent and upon a showing
5 of good cause – taking into account the public interest in the prompt disposition of criminal
6 cases – a magistrate judge may extend the time limits in Rule 5.1(c) one or more times. . . .”

7 3. On January 31, 2020, the Court held an initial appearance for Justin Tripp during
8 which he was detained on the criminal complaint, and a preliminary hearing was set for
9 February 13, 2020. ECF No. 30.

10 4. The parties have stipulated to continue the preliminary hearing and the date by
11 which the government must file an indictment. The preliminary hearing is currently set for July
12 30, 2020, as is the deadline for filing an information or bringing an indictment. ECF No. 58.

13 5. Under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information or
14 indictment charging an individual with the commission of an offense shall be filed within thirty
15 days from the date on which such individual was arrested or served with a summons in
16 connection with such charges.”

17 6. The parties have reached an agreement in principal, but require additional time
18 within which to resolve collateral issues relating to the plea agreement. Moreover, if
19 negotiations fail, counsel for Mr. Tripp will require additional time to review discovery and
20 prepare for the preliminary hearing. The government will need additional time to present the
21 matter to the grand jury.

22 7. The additional time under the Speedy Trial Act requested herein in is not sought
23 for purposes of delay, but to allow counsel from Mr. Tripp sufficient time to effectively and
24 thoroughly research and prepare and to determine whether to proceed with a preliminary
25 hearing and indictment or to resolve the case through negotiations.

8. Mr. Tripp is in custody and agrees with the need for a continuance of the preliminary hearing and the extension of time within which the government must present an information or indictment under 18 U.S.C. § 3161(b).

9. The parties agree to the extension of these deadlines.

10. Accordingly, parties ask the Court to order that the additional time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b)(1) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

This is the fifth request for an extension of the Speedy Trial deadline by which to file an information or indictment and the third request to continue the preliminary hearing.

DATED this 24th day of July, 2020.

RENE L. VALLADARES
Federal Public Defender

/s/ *Kathryn C. Newman*
By _____

NICHOLAS A. TRUTANICH
United States Attorney

/s/ *Kimberly M. Frayn*
By _____
KIMBERLY M. FRAYN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUSTIN LEE TRIPP,
Defendant.

Case No. 2:19-mj-00394-NJK

ORDER

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served, the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the deadline under the Speedy Trial Act, 18 U.S.C. § 3161(b), that requires “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges” is hereby extended for sixty (60) days.

The Court finds the additional time requested by the parties' stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

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1 IT IS FURTHER ORDERED that the preliminary examination currently scheduled for
2 Thursday, July 30, 2020 at 4:00 p.m., be vacated and continued to October 1, 2020, at
3 4:00 p.m., in Courtroom 3C.

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5 DATED: July 28, 2020.

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UNITED STATES MAGISTRATE JUDGE

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